

JUL 28 2008

JULY 23, 2008**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA) No. 08 CR 511 **JUDGE PALLMEYER**
)
vs.) Violations: Title 21, United
) States Code, Section 846, and
) Title 18, United States Code,
JAIME CHAVEZ) Sections 922(g), 924(c)(1)(A),
) and 2

COUNT ONE **MAGISTRATE JUDGE KEYS**

The SPECIAL MARCH 2007 GRAND JURY charges:

From no later than on or about June 23, 2008, to on or about June 25, 2008, at Aurora and Summit, in the Northern District of Illinois, Eastern Division, and elsewhere,

JAVIER OCHOA and
JAIME CHAVEZ,

defendants herein, conspired with each other, and with others known and unknown to the Grand Jury, knowingly and intentionally to possess with intent to distribute and to distribute a controlled substance, namely, in excess of 5 kilograms of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about June 25, 2008, at Summit, in the Northern District of Illinois, Eastern Division,

JAVIER OCHOA and
JAIME CHAVEZ,

defendants herein, knowingly and intentionally attempted to possess with intent to distribute a controlled substance, namely, in excess of 5 kilograms of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.

COUNT THREE

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about June 25, 2008, at Summit, in the Northern District of Illinois, Eastern Division,

JAVIER OCHOA and
JAIME CHAVEZ,

defendants herein, used and carried a firearm, namely, a P22g Sig semi-automatic pistol, bearing serial number U544871, during and relation to, and possessed said firearm in furtherance of, a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, violations of Title 21, United States Code, Section 846, as more fully set forth in Counts One and Two of this Indictment;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT FOUR

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about June 25, 2008, at Summit, in the Northern District of Illinois, Eastern Division,

JAVIER OCHOA,

defendant herein, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely, a P22g Sig semi-automatic pistol, bearing serial number U544871, which firearm was in or affecting interstate commerce in that it had been transported in interstate commerce prior to the defendant's possession of the firearm;

In violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION ONE

The SPECIAL MARCH 2007 GRAND JURY further charges:

1. The allegations of Counts One and Two of this Indictment are realleged and incorporated herein by reference for the purpose of alleging that certain property is subject to forfeiture to the United States, pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of their violations of Title 21, United States Code, Section 846, as alleged in the foregoing Indictment,

JAVIER OCHOA and
JAIME CHAVEZ,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and (2): (1) any and all property constituting and derived from, any proceeds they obtained, directly and indirectly, as a result of the violations of Title 21, United States Code, Section 846; and (2) any and all of property used, or intended to be used, in any manner or part, to commit and facilitate the commission of the violations of Title 21, United States Code, Section 846.

3. The interests of the defendants subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 853 include, but are not limited to, the following:

- a. \$169,980 in United States Currency; and
- b. \$7,500 in United States Currency.

4. If any of the property described above as being subject to forfeiture pursuant to Title 21, United States Code, Section 853(a), as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred to, sold to, or deposited with a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of substitute property belonging to defendants under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1);

All pursuant to Title 21, United States Code, Section 853.

FORFEITURE ALLEGATION TWO

1. The allegations contained in Counts Three and Four of this Indictment are realleged and incorporated herein by reference for the purpose of alleging that certain property is subject to forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of their violations of Title 18, United States Code, Sections 922(g)(1) and 924(c)(1)(A) as alleged in Counts Three and Four of the foregoing Indictment,

JAVIER OCHOA
and JAIME CHAVEZ,

defendants herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any and all right, title, and interest they may have in any property involved in the charged offense.

3. The interest of the defendants subject to forfeiture

pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c) includes a P22g Sig semi-automatic pistol, bearing serial number U544871;

All pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY